

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.04.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33240 of 2018

and

W.M.P.No.38576 of 2018

P.Saravanan

.. Petitioner

Vs.

1.The State of Tamil Nadu,

Rep. by its Secretary to Government,
Labour and Employment Department,
Fort St. George, Chennai - 600 009.

2.The Joint Director (Craftsmen Training Scheme),
Directorate of Employment and Training,
Training Wing, Alandur Road, Guindy,
Chennai - 600 032.

3.The Commissionerate of Employment and Training,
Thiru. Vi.Ka.Industrial Estate,
Alandur Road,
Guindy, Chennai - 600 032.
Rep.by its Commissioner

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing 2nd and 3rd respondents to appoint the petitioner with Diploma and Mechanical Engineering as Junior Training Officer in the Government Industrial Training Institute within a time frame to be fixed by this Court since the petitioner is qualified to be appointed as Junior Training Officer under the priority category for having studied 10th standard and +2 in Tamil Medium.

For Petitioner : Mrs.Nalini Chidambaram Sr.Counsel
for M/s.C.Uma

For Respondents : M/s.Narmadha Sampath
Additional Advocate General
Assisted by Mr.R.S.Selvam
Government Pleader

ORDER

The relief as such sought for in the present writ petition is for a direction to direct the second and third respondents to appoint the petitioner with Diploma and Mechanical Engineering as Junior Training Officer in the Government Industrial Training Institute within a time frame to be fixed by this Court, since

the petitioner is qualified to be appointed as Junior Training Officer under the priority category for having studied 10th standard and +2 in Tamil Medium.

2. The learned Senior Counsel appearing on behalf of the Writ petitioner made a submission that the writ petitioner has completed his SSLC course and Higher Secondary Course in Tamil Medium. As far as the Diploma in Medical Engineering Course is concerned, no Tamil Medium is available across the State. Thus, the writ petitioner had completed the Diploma Course in English Medium. Even then, the case of the writ petitioner is to be considered under the PSTM Quota as he has completed his SSLC and HSC Courses in Tamil Medium.

3. The learned Additional Advocate General appearing on behalf of the respondents, relying on the counter affidavit filed by the second respondent and the third respondents, has stated that the PSTM quota can be extended only if the prescribed qualification is studied by the candidates in Tamil Medium. In the present case, admittedly the writ petitioner has completed his Diploma course in English Medium and therefore, he is not eligible to avail the quota as prescribed under PSTM. The said decision is well explained in the counter affidavit in paragraph Nos.5 & 6, which are extracted hereunder:

" ... The Government have issued orders for preference in appointment in the services under the State to persons who have obtained the educational qualification prescribed for direct recruitment through Tamil Medium of instruction in G.O.Ms.No.145, Personnel and Administrative Reforms (S) Department, dated: 30.09.2010. As per the above said Government Order, 20% of all vacancies in appointment in the services under the State which are to be filled through direct recruitment shall be set apart on preferential basis to persons studied in Tamil Medium (PSTM).

The above Government Order is applicable for those persons who have obtained the qualifications prescribed for direct recruitment to any appointment in the services under the State through Tamil Medium of Instruction and not to those who have studied the 10th or 12th standard in Tamil Medium. The petitioner himself accepts that Diploma Course is not conducted in Tamil and he could not produce any certificate of having studied Diploma in Mechanical Engineering in Tamil Medium. As Diploma is a prescribed qualification for the post of Junior Training Officer in Direct

recruitment, the benefit of provisions of the above said Government Order shall be availed only if the prescribed qualification is studied in Tamil Medium. The petitioner had not submitted any evidence in support of his claim to the post under consideration as mandated by rules in force. As the petitioner failed to produce any evidence for this claim, he was not considered for PRIORITY category as per G.O.Ms.No.145, Personnel and Administrative Reforms (S) Department, dated: 30.09.2010, for direct recruitment to the post of Junior Training Officer..."

4. In view of the fact that no Tamil Medium course in Diploma in Mechanical Engineering is available, the quota of 20% on preferential basis to the persons studied in Tamil Medium cannot be granted and as such, there is no infirmity in respect of the selections conducted by the respondents and the writ petitioner has not made out any acceptable legal grounds for the purpose of considering his case.

5. Accordingly, the writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

To

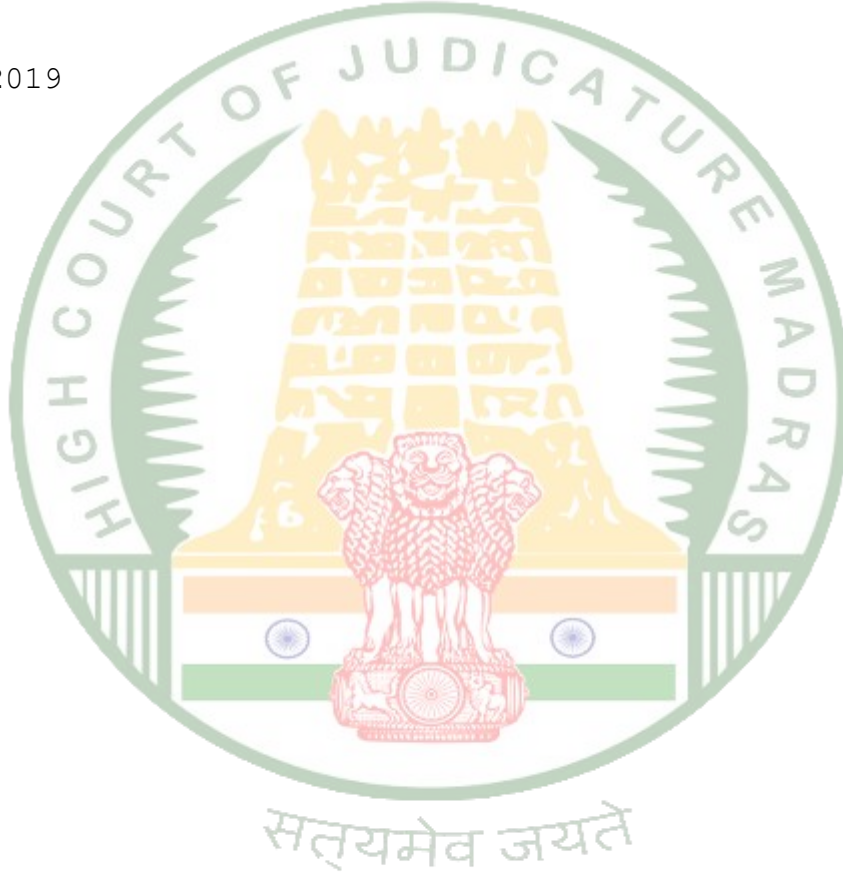
1. The Secretary to Government,
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2. The Joint Director (Craftsmen Training Scheme),
Directorate of Employment and Training,
Training Wing, Alandur Road, Guindy,
Chennai - 600 032.

3. The Commissioner,
The Commissionerate of Employment and Training,
Thiru. Vi.Ka.Industrial Estate,
Alandur Road,
Guindy, Chennai - 600 032.

+1cc to Government Pleader, Sr.31628
+1cc to M/s.C.Uma, Advocate sr.31277

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nr 18/06/2019



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